BEFORE THE DIVISION OF MEDICAL QUALITY MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:))))
STEVEN CHARLES KLAUSNER, M.D. Certificate No. G-22027	No: 16-2004-160046)))
Respondent)

DECISION

The attached Stipulated Surrender of License is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on May 5, 2005

IT IS SO ORDERED <u>April 28, 200</u>5

By:

RONALD L. MOY, M.D.

Chair - Panel B

Division of Medical Quality

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1	DIBB BOOK BR, Intolloy Conclus	
2	of the State of California JANE ZACK SIMON, State Bar No. 116564	
3	Deputy Attorney General California Department of Justice	
4	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004	
5	Telephone: (415) 703-5544 Facsimile: (415) 703-5480	
6	Attorneys for Complainant	
7	BEFORE T	THE
8	DEPARTMENT OF CONSUMER AFFAIRS	
9		
10	In the Matter of the Accusation Against:	
11	STEVEN CHARLES KLAUSNER, M.D. 42 Mohawk Lane	Case No.16-2004-160046
12	Greenwich, CT 06831	
13		STIPULATED SURRENDER OF LICENSE
14	Physician and Surgeon's	LICENSE
15	Certificate No. G22027	
16	Decnandent	
17	Respondent.	
18	IT IS HEREBY STIPULATED AND	AGREED by and between the parties in this
19	proceeding that the following matters are true:	
20	1. David T. Thomton (Complain	ant) is the Executive Director of the Medical
21	Board of California, and maintains this action solely in his official capacity. Complainant is	
22	represented in this matter by Bill Lockyer, Attorney	General of the State of California, by Jane
23	Zack Simon, Deputy Attorney General.	
24	2. Steven Charles Klausner, M.D	O. (respondent) is represented in this
25	proceeding by Stacey Van Malden of Goldberger & I	Dubin, P.C., 401 Broadway, New York, NY
26	10013.	
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- Respondent has received, read, discussed with his attorney, and understands the Accusation which is presently on file and pending in case number 16-2004-160046, a copy of which is attached as Exhibit A.
- 4. Respondent has carefully read, discussed with his attorney, and understands the charges and allegations in Accusation No. 16-2004-160046. Respondent also has carefully read, discussed with his attorney and understands the effects of this Stipulated Surrender of License.
- 5. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.
- 7. Respondent agrees that based on the action taken by the State of Connecticut Medical Examining Board, cause exists to discipline his California physician and surgeon's certificate pursuant to Business and Professions Code sections 141 and 2305. Respondent lives in Connecticut and has no intention of practicing medicine in California in the future. He therefor wishes to surrender his California license.
- 8. Respondent understands that by signing this stipulation he is enabling the Medical Board of California to issue its order accepting the surrender of license without further process. He understands and agrees that Board staff and counsel for complainant may communicate directly with the Board regarding this stipulation, without notice to or participation by respondent or his attorney. In the event that this stipulation is rejected for any reason by the Board, it will be of no force or effect for either party. The Board will not be disqualified from further action in this matter by virtue of its consideration of this stipulation.

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- 9. Upon acceptance of this stipulation by the Board, respondent understands that he will no longer be permitted to practice as a physician and surgeon in California, and also agrees to surrender and cause to be delivered to the Board any license and wallet certificate in his possession before the effective date of the decision.
- 10. The admissions made by respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.
- 11. Respondent fully understands and agrees that if he ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement, and respondent must comply with all laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.
- 12. Respondent understands that he may not petition for reinstatement as a physician and surgeon for a period of three (3) years from the effective date of his surrender. Information gathered in connection with Accusation number 16-2004-160046 may be considered by the Division of Medical Quality in determining whether or not the grant the petition for reinstatement. For the purposes of the reinstatement hearing, the allegations contained in Accusation number 16-2004-160046 shall be deemed to be admitted by respondent, and respondent waives any and all defenses based on a claim of laches or the statute of limitations.
- 13. The parties understand and agree that facsimile copies of this Stipulated Surrender of License, including facsimile signatures thereto, shall have the same force and effect as the originals.

ACCEPTANCE

2	I have carefully read the above stipulation, and have discussed it with my attorne
3	Stacey Van Malden. I enter into it freely and voluntarily and with full knowledge of its force an
4	effect, do hereby surrender my Physician and Surgeon's Certificate Number G22027 to the
5	Division of Medical Quality, Medical Board of California, for its formal acceptance. By signing
6	this stipulation to surrender my license, I recognize that upon its formal acceptance by the Board
7	I will lose all rights and privileges to practice as a physician and surgeon in the State of
8	California and I also will cause to be delivered to the Board any license and wallet certificate in
.9	my possession before the effective date of the decision.
10	7/11/12
11	DATED: 3/16/05
12	Han Olling has ass
13	STEVEN CHARLES KLAUSNER, M.D.
14	Respondent
15	APPROVAL
16	I have fully read and discussed with respondent Steven Charles Klausner, M.D.
١7	the provisions of this Stipulated Surrender of License. I approve its form and content.
18	711
19	DATED: 3265
20	
21	STACEY VAN MALDEN
22	Goldberger & Dubin, P.C.
23	Attorneys for Respondent
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26	111
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8	1111

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully
submitted for consideration by the Division of Medical Quality, Medical Board of California.

DATED: 4 5 05

BILL LOCKYER, Attorney General of the State of California

JANE ZACK SIMON Deputy Attorney General

Attorneys for Complainant

BILL LOCKYER, Attorney General 1 STATE OF CALIFORNIA MEDICAL BOARD OF CALIFORNIA SACRAMENTO of the State of California JANE ZACK SIMON 2 BY Jamela Deputy Attorney General [SBN 116564] 3 455 Golden Gate Avenue, Suite 11000 San Francisco, California 94102 Telephone: (415) 703-5544 4 Facsimile: (415) 703-5480 5 6 Attorneys for Complainant 7 BEFORE THE DIVISION OF MEDICAL QUALITY 8 MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS 9 STATE OF CALIFORNIA 10 11 In the Matter of the Accusation Against: STEVEN CHARLES KLAUSNER, M.D., Case No. 16-2004-160046 12 42 Mohawk Lane 13 Greenwich, CT 06831 ACCUSATION 14 Physician and Surgeon's 15 Certificate No. G22027 16 17 Respondent. 18 19 20 The Complainant alleges: 21 **PARTIES** 22 1. Complainant David T. Thornton is the Executive Director of the Medical 23 Board of California (hereinafter the "Board") and brings this accusation solely in his official 24 capacity. 25 2. On or about March 6, 1972, Physician and Surgeon's Certificate No. 26 G22027 was issued by the Board to Steven Charles Klausner, M.D. (hereinafter "respondent"). 27

FILED

Respondent's certificate is renewed and current, with an expiration date of December 31, 2005, and was placed on Inactive Status on December 6, 1989.

JURISDICTION

- 3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), under the authority of the following sections of the California Business and Professions Code (hereinafter "Code") and/or other relevant statutory enactment:
 - A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period of not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring if probation is imposed.
 - B. Section 125.3 of the Code provides, in part, that the Board may request the administrative law judge to direct any licentiate found to have committed a violation or violations of the licensing act, to pay the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case.
 - C. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

D. Section 141 of the Code

"(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by

- "(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."
- E. Welfare and Institutions Code section 14124.12 provides, in part, that a physician whose license has been placed on probation by the Medical Board shall not be reimbursed by Medi-Çal for "the type of surgical service or invasive procedure that gave rise to the probation."
- 4. Respondent is subject to discipline within the meaning of section 141 and is guilty of unprofessional conduct within the meaning of section 2305 as more particularly set forth herein below.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

5. On or about July 20, 2004, the State of Connecticut Department of Public Health, Medical Examining Board, issued a Consent Order regarding respondent's license to practice medicine in Connecticut. The Consent Order contains findings that respondent abused alcohol and Lorcet, used medication prescribed for others (Valium, Librium and Chloral Hydrate) and suffers from Anxiety Disorder and Depression. It was also determined that respondent has not practiced medicine since at least 1986. Under the terms of the Consent Order, respondent is precluded from returning to the practice of medicine until a number of conditions designed to demonstrate his ability to practice medicine with safety are met. In the event respondent meets those conditions, his Connecticut license will be placed on probation for five years, subject to terms and conditions.

Attached hereto as Exhibit A is a true and correct copy of the Consent Order issued by the Connecticut Department of Public Health, Medical Examining Board.

6. Respondent's conduct and the action of the Connecticut Department of

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1	Public Health, Medical Examining Board, as set forth in paragraph 5, above, constitute
2	unprofessional conduct within the meaning of section 2305 and conduct subject to discipline
3	within the meaning of section 141(a).
4	PRAYER
5	WHEREFORE, the complainant requests that a hearing be held on the matters
6	herein alleged, and that following the hearing, the Division issue a decision:
7	Revoking or suspending Physician and Surgeon's Certificate Number
8	G22027, heretofore issued to respondent Steven Charles Klausner, M.D.;
9	2. Revoking, suspending or denying approval of the respondent's authority to
10	supervise physician assistants;
11	3. Ordering respondent to pay the Division the actual and reasonable costs of
12	the investigation and enforcement of this case and to pay the costs of probation monitoring
13	upon order of the Division; and
14	4. Taking such other and further action as the Division deems necessary and
15	proper.
16	DATED: <u>October 19, 2004</u>
17	$\sim - \infty$
18	D. A. A.
19	DAVID T. THORNTON Executive Director Madical B.
20	Medical Board of California Department of Consumer Affairs
21	State of California
22	Complainant
23	
24	
25	
26	

STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH BUREAU OF REGULATORY SERVICES

In re: Steven Klausner, M.D.

Petition No. 2004-0712-001-153

CONSENT ORDER

WHEREAS, Steven Klausner, M.D., of Greenwich, Connecticut (hereinafter "respondent") has been issued license number 027827 to practice medicine and surgery by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

- He has abused alcohol and Lorcet; he has used medication prescribed for other 1. individuals, namely Valium, Librium, and Chloral Hydrate; and, he suffers from Anxiety Disorder and Depression.
- The above-described facts constitute grounds for disciplinary action pursuant to the 2. General Statutes of Connecticut, §20-13c, including, but not limited to: a.
 - §20-13c(2)
 - b. §20-13c(3)
- He does not currently practice medicine, and he has not practiced medicine since at least 3.
- He does not hold a valid state controlled substance registration approved by the Drug Control Division of the Department of Consumer Protection.

WHEREAS, respondent in consideration of this Consent Order, has chosen not to contest this matter and agrees that for the purposes of this or any future proceedings before the Connecticut Medical Examining Board (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-13e of the Connecticut General Statutes.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and §20-13c of the General Statutes of Connecticut, as amended, respondent hereby stipulates and agrees to the following:

- 1. He waives his right to a hearing on the merits of this matter.
- 2. Respondent shall refrain from the practice of medicine and surgery, including volunteer work, until the following conditions are met:
 - a. He shall provide the Department with at least ninety (90) days written notice of his intent to return to the practice of medicine.
 - b. He shall pass the Special Purpose Examination ("SPEX exa m") and successfully complete a skills assessment and remediation program pre-approved by the Department, such as that offered by the Institute for Physician Evaluation or the Center for Personalized Education for Physicians. Within thirty (30) days of successfully completing the SPEX exam and the skills assessment and remediation program, respondent shall provide the Department with proof, to the Department's satisfaction, of his successful completion of the SPEX exam and the skills assessment and remediation program.
 - c. Prior to returning to the practice of medicine, respondent shall undergo a thorough psychiatric evaluation, with psychological testing if such is recommended by the evaluating psychiatrist. The evaluating psychiatrist and psychologist ("evaluators") shall be pre-approved by the Department. The evaluators shall submit a written report directly to the Department regarding such evaluation within thirty (30) days of the evaluation. The Consent Order shall be modified in writing as necessary to incorporate the recommendations of the evaluators. Respondent agrees to cooperate with the evaluators' recommendations.
 - d. Respondent shall not begin to practice medicine and surgery, for pay or upon a voluntary basis, until he has obtained prior written approval from both the Department and the Board.
- 3. Once he fully meets the requirements set forth in paragraph 2, above, respondent's license shall be placed on probation for a period of five (5) years under the following terms and conditions:
 - a. Respondent shall refrain from the ingestion of alcohol in any form and the inhalation, injection or other use of any controlled substance and/or legend drug

unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications. In the event a medical or dental condition arises requiring treatment utilizing controlled substances, legend drugs, or alcohol in any form, including but not limited to cough syrup, respondent shall notify the Department and, upon request, provide such written documentation of the treatment as is deemed necessary by the Department.

- b. Respondent shall submit to random observed urine screens for alcohol, controlled substances and legend drugs during the entire rehabilitation period, in accordance with the Department's "Require ments for Drug and Alcohol Screens," attached hereto and incorporated herein as Attachment "A," as foll ows: twice every week for the first two years; once every week for the third year; and, once every other week for the remaining two years. Said screens shall be administered by a facility approved by the Department. If the Department requests, respondent shall also submit to said screens on an "as needed" basis.
- C. Respondent shall cause lab reports for urine screens to be submitted directly to the Department for the duration of the probation. All drug and alcohol screens shall be legally defensible in that the specimen donor and chain of custody shall be identifiable throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed. All positive random drug and alcohol screens shall be confirmed by gas chromatograph/mass spectrometer testing.
- d. Respondent is hereby advised that the ingestion of poppy seeds and mouthwash has from time to time, been raised as a defense to a positive screen result for morphine, opiates, and/or alcohol. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances and mouthwash during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol, respondent agrees that the ingestion of poppy seeds and/or mouthwash shall not constitute a defense to such a screen.
- e. Respondent understands and agrees that if he fails to submit a urine sample when requested by his monitor, such missed screen shall be deemed a positive urine screen.

- f. Respondent shall participate in regularly scheduled therapy with a licensed psychiatrist or psychologist (hereinafter "therapist") approved by the Department. If the therapist determines that therapy is no longer necessary before the period of probation has expired, or that the frequency of therapy should be reduced, or that respondent should be transferred to another therapist, the therapist shall notify the Department. Said termination of therapy, reduction in the frequency of therapy, and/or respondent's transfer to another therapist shall not occur until approved by the Department. The therapist shall immediately notify the Department in writing if respondent discontinues therapy and/or terminates the therapist's services.
- g. The therapist shall submit quarterly reports for the period of probation which shall address, but not necessarily be limited to, respondent's ability to practice medicine in an alcohol and substance-free state. Said reports shall continue until the therapist determines that therapy is no longer necessary or the period of probation has expired.
- h. Respondent shall only practice medicine in an office and practice setting that includes other physicians. One of these physicians shall submit quarterly reports to the Department stating that respondent appears to practice medicine with reasonable skill and safety and in an alcohol and substance-free state.
- i. Respondent shall obtain written approval from the Department prior to relocating his practice of medicine and/or changing his place of employment.
- j. Respondent's chief of service, employer, partner and/or associate at any hospital, clinic, partnership and/or association at which he is employed or with which he is affiliated or has privileges shall have knowledge of this Consent Order and shall agree to provide reports on a quarterly basis for the duration of the rehabilitation period, as to whether respondent is practicing with reasonable skill and safety and in an alcohol and substance-free state.
- k. All reports and the results of screens shall be submitted to:

Bonnie Pinkerton, Nurse Consultant Department of Public Health 410 Capitol Avenue, #12 HSR P.O. Box 340308 Hartford, Connecticut 06134

- In the event respondent intends to request approval from the Drug Control Division of the Department of Consumer Protection (hereinafter "the Drug Control Division"), to reapply for his state controlled substance registration, respondent agrees to so notify the Department at least fifteen (15) days prior to requesting such approval. Upon such notification, respondent agrees that the Department may provide to the Drug Control Division a copy of this Consent Order and any and all other information the Department may have in its possession which may reasonably impact on respondent's drug control registration. The confidentiality of such information shared with the Drug Control Division shall be governed by the provisions of section 20-578 of the General Statutes of Connecticut.
- m. If respondent obtains said registrations, his controlled substance prescribing, ordering, and dispensing practices shall be monitored monthly by a licensed physician pre-approved by the Department (hereinafter "supervisor") for a period of six (6) months. The supervisor shall provide monthly reports documenting his supervisory practices and observations. The probationary period shall be extended as necessary to ensure that six (6) month period of monitoring is completed.
- n. Respondent shall pay all costs necessary to comply with this Consent Order.
- 3. Any alleged violation of any provision of this Consent Order, may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior consent for deviation from said term(s) has been granted
 - Said notification shall include the acts or omission(s) that violate the term(s) of this
 Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 3a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the

- Connecticut Medical Examining Board (hereinafter "the Board") which shall make a final determination of the disciplinary action to be taken.
- e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
- 4. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practice as a physician and surgeon, upon request by the Department for a period not to exceed forty-five (45) days. During that time period, respondent further agrees to cooperate with the Department in any investigation of the violation, and to submit to and complete a medical, psychiatric and/or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said forty-five (45) day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall, as a matter of law, constitute a clear and immediate danger as required pursuant to the General Statutes of Connecticut, § §4-182(c) and 19a-17(c).
- 5. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Connecticut Medical Examining Board pursuant to §§4-182(c) and 19a-17(c) of the General Statutes of Connecticut.
- Legal notice shall be sufficient if sent to the respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
- 7. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure. Respondent further understands that this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Board in which his compliance with this Consent Order or with Section 20-13c of the General Statutes, as amended, is at issue.

- 8. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order, including the screening and monitoring requirements during vacations and other periods in which he is away from his residence.
- 9. This Consent Order is effective the first day of the next month after which the last signatory has executed this document.
- 10. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any other rights that he may have under the laws of the State of Connecticut or of the United States.
- 11. Respondent understands that he has the right to consult with an attorney prior to signing this document.
- Any change in the terms of this Consent Order shall require prior approval of the Department and the Board.
- 13. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
- 14. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
- 15. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
- 16. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Pr osecution Bureau.
- 17. Respondent shall pay all costs necessary to comply with this Consent Order.
- 18. Respondent understands this document is a reportable event to the National Practitioner Data Bank and will appear on his physician profile pursuant to Connecticut General Statutes, Section 20-13j.

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Page 8 of 8

I, Steven Klausner, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Steven Klausner, M.D.

Subscribed and swom to before me this

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2004.

Public or person authorized

by law to administer an oath or affirmation

Notary Public, State of New York No. 01-LE6008577

Qualified in New York County Commission Expires June 15, 20

The above Consent Order having been presented to the duly appointed agent of the

Commissioner of the Department of Public Health on the

2004, it is hereby ordered and accepted.

Merianne Horn, Director

Division of Health Systems Regulation

Bureau of Healthcare Systems

The above Consent Order having been presented to the duly appointed agent of the Connecticut Medical Examining Board on the 20th day of ordered and accepted.

Connecticut Medical Examining Board

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